IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5449 of 2007

Dashrath Nana Raut & Anr. .. Petitioners

versus

State of Maharashtra & ors. .. Respondents

...

Mr.P.S. Dani for the petitioner.

Mr.A.V. Anturkar i/b Mr.S.B. Deshmukh for respondent no.3.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 1st August 2007.

P.C.:

1. The petitioners have approached this court seeking direction that respondent no.2 be directed to conduct the elections to the managing committee of the respondent no.3 Society and in the mean while to appoint an administrator over the affairs of the

respondent no.3.

2. The Collector has filed an affidavit. So also the Dy. Collector of District Elections Branch has filed an affidavit. From both the affidavits, it is revealed that the programme of finalisation of the voters list in respect of the proposed elections to the managing committee has been published on 19th July 2007 and the voters list is to be finalised on 17th August 2007. It is further revealed from the affidavit of the Collector that the elections process of the election of the managing committee of the respondent no.3 society is to be commenced from 18th September 2007 and the result is to be declared on 29th October 2007. The Collector has filed an undertaking that both the election programmes will be implemented and the elections will be conducted as per the said programme. We accept the undertaking and therefore we find that the main grievance of the petitioner stands redressed as a result of the programme being published and the affidavit and undertaking to that effect being filed and accepted by this court.

3. Mr.Dani at this stage submitted that the

term of the office bearer of the respondent no.3 is coming to an end by 16th September 2007. However, since the election process is to be completed on or about 29th October 2007, the present managing committee will be in the office beyond its regular term and therefore he submitted that this court may impose certain restrictions on the functioning of the managing committee of the respondent no.3.

4. Mr.Anturkar appearing for the respondent no.3 very fairly conceded that he has no objection for putting certain restriction. In view of this, for the period from 16th September 2007 till elected body enters into office, the present managing committee of the respondent no.3 shall not take any policy decision nor shall it float any new schemes and shall not declare any new schemes which are likely to allure the voters. However, we make it clear that regular off season activities of the respondent no.3 can be continued and expenditure on that count can be incurred by the respondent no.3.

4. Accordingly, petition stands disposed of.

D.G. KARNIK, J) (S.B. MHASE, J)